

No. 9/5/84-6Lab/7370.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s The Haryana Roadways, Jind (Haryana) :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA
Old Ref. Nos. 106 to 110 of 1983

Ref. Nos. 151 to 153 of 1984

between

SARVSHRI SURAJ BHAN, HAWA SINGH AND KRISHAN KUMAR WORKMEN AND THE
MANAGEMENT OF THE HARYANA ROADWAYS, JIND (HARYANA).

Present.—

Shri S. N. Vats, for workman.

Shri A. R. Goel, for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the dispute between Sarvshri Suraj Bhan, Hawa Singh and Krishan Kumar workmen and the management of the Haryana Roadways, Jind to Labour Court, Rohtak. The terms of the reference are as under :—

“Whether the termination of services of Sarvshri Suraj Bhan, Hawa Singh and Krishan Kumar workmen, were justified and in order? If not, to what relief they are entitled to?”

On creation of Labour Court at Ambala these references were received by transfer. Notices were issued to the parties.

Briefly narrated the facts of the controversy between the parties are that workmen Shri Krishan Kumar, Suraj Bhan and Hawa Singh were employed by the respondent management as Sweeper on daily wages. Shri Krishan Kumar joined on 22nd August, 1978, Suraj Bhan on 12th March, 1980 and Hawa Singh on 1st March, 1978 and their services were terminated on 14th December, 1981 in violation of Section 25(F) of the Industrial Disputes Act, 1947. All the three workmen have challenged this order of termination and have claimed the relief of re-instatement with continuity in service with full back wages.

Respondent-management was served, it has contested the dispute and have admitted the facts that all the 3 workmen joined service of respondent on the dates mentioned above and their services were terminated on 14th December, 1981, but the management has asserted that the post of daily wages was not approved by State Transport Commissioner,—vide his order dated 24th September, 1981, the services of the workmen were dispensed with.

On the pleadings of the parties, the following issues have been framed :—

Issues :

1. Whether the termination of services of Sarvshri Suraj Bhan, Hawa Singh and Krishan Kumar workmen were justified and in order? if not, to what relief are they entitled to?
2. Relief.

Since all these 3 cases are of similar nature and similar question of law and facts are involved, all these 3 references were consolidated and evidence has been recorded in Krishan Kumar Vs. General Manager, Haryana Roadways, Jind. In other words all these 3 cases be disposed of with a single Award. However copies of Award shall be placed on all the references.

I have heard Shri S. N. Vats, authorised representative and Shri A. R. Goel for respondent, management and have gone through the evidence present on the file. Minutely my issue-wise findings are as under :

Issue No. 1—

In support of this issue respondent examined Shri Karam Dev. Clerk, Haryana Roadways, Jind who supported the case of the respondent but in cross-examination he could not afford to deny the fact that the respondent-management failed to comply with Section 25(F) of the Industrial Disputes Act, 1947. In other words no notice for terminating the services of the workmen were given nor any pay in lieu of notice period was paid nor the retrenchment compensation was given to workmen, neither the appropriate authority was in formed regarding their termination of Services of Sarvshri Krishan Kumar, Suraj Bhan and Hawa Singh, workmen, all have supported their cases while coming in the witness box.—

It is admitted fact that all the workmen had completed their services more than 240 days in these circumstances, while terminating their services the management should have followed the procedure laid down under section 25(F) of the Industrial Disputes Act, 1947 but it failed to comply with it. Hence there is a clear violation of statutory provisions. Accordingly, the termination order dated 14th December, 1981 is unjust and against law and not binding on all the 3 workmen. All the 3 workmen are entitled to relief of re-instatement, continuity in service with full back wages etc. So this issue is decided in favour of workmen and against the management.

Issue No. 2—

For the fore-going reasons on the basis of my issue-wise findings after declaring the termination order dated 14th December, 1981, unjust and contrary to law and provide relief of re-instatement with continuity in service with full back wages.

I pass my award accordingly.

Dated the 13th July, 1985.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 1786, dated Ambala City, the 31st July, 1985.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-6Lab/7371.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of (i) The Secretary H. S. E. B., Chandigarh and (ii) The Xen, Sub-Urban Division, H.S.E.B., Jagadhri

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 76 of 1984

SHRI SUMER CHAND. WORKMAN AND THE MANAGEMENT OF THE SECRETARY,
HARYANA STATE ELECTRICITY BOARD, CHANDIGARH AND THE XEN,
SUB-URBAN DIVISION, H. S. E. B., JAGADHRI

Present :—

None for workman.

Shri S. Bindra for Respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the dispute between Shri Sumer Chand workman and the management of the Secretary, Haryana State Electricity Board, Chandigarh and the Xen, Sub-Urban Division, H. S. E. B., Jagadhri. The terms of the reference are as under:—

Whether the termination of services of Shri Sumer Chand, workman was justified and in order? If not, to what relief is he entitled to?

Shri Sumer Chand, workman alleged that he served the respondent-management to the satisfaction but in spite of that his services were terminated with effect from 11th February, 1984 in violation of section 25(F) of the Industrial Disputes Act, 1947. So he has prayed for declaring the order as illegal and

... relief or reinstatement with continuity in service as well as with full back wages. Notice of reference was issued to respondent. It has contested the matter. Both the parties lead evidence. ... was fixed for rebuttal and arguments for 23rd July, 1985. Neither the workman nor his authorised representative appeared, so the reference is dismissed in default.

Dated the 23rd July, 1985.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 1790, dated 31st July, 1985.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-6Lab./7372.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s. Krishna Engineering Works, Chachhrauli Road, Jagadhri (Ambala):—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT
AMBALA

Reference No. 382 of 1984

(Old No. 41 of 1984)

between

SHRI DHURUP PERSHAD, WORKMAN AND THE MANAGEMENT OF M/S KRISHANA
ENGINEERING WORKS, CHACHHRAULI ROAD, JAGADHRI (AMBALA)

Present :—

Shri Surinder Sharma for workman.
None for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred the dispute between Shri Dhurup Pershad workman and the management of M/s. Krishana Engineering Works, Chachhrauli Road, Jagadhri to Labour Court, Faridabad. The terms of the reference are as under :—

“Whether the termination of services of Shri Dhurup Pershad, workman, was justified and in order? If not to what relief is he entitled to?”

Shri Dhurup Pershad workman through this reference alleged that he was employed as Chillaya in the respondent-management and used to draw Rs. 650 p. m. His services were terminated in contravention of section 25(F) of the Industrial Disputes Act, 1947. Notice of this reference was issued to respondent. Respondent was not served. Today Shri Surinder Sharma made statement that whereabouts of the workman are not known so he withdraw this reference for the time being with permission to get it restored as and when workman appeared.

In view of the statement of Shri Surinder Sharma the reference is consigned to record room with permission to get it restored as and when workman appeared and desired to contest.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 23rd July, 1985.

Endorsement No. 1791, dated 31st July, 1985.

Forwarded (four copies), to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.